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**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) Method for multicasting a message to a plurality of users comprising:
  - establishing a power ratio threshold adapted to enable reliable transmission of said message;
  - comparing the established power ratio threshold to measured power ratios associated with said plurality of users;
  - determining a first subset of the plurality of users and a second subset of the plurality of users based upon the measured power ratios; and
  - delivering said message to the first subset of the plurality of users via a first transmission scheme; and
  - delivering said message to the second subset of the plurality of users via a second transmission scheme.
2. (cancelled)
3. (original) The method of claim 1, wherein:
  - said first transmission scheme delivering said message to said first user subset is via a broadcast channel.
4. (original) The method of claim 2, wherein:
  - said second transmission scheme delivering said message to said second user subset is via respective dedicated channels.
5. (original) The method of claim 1, further comprising:
  - periodically measuring the respective power ratios of said plurality of users.

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- 6 (original) The method of claim 1, further comprising:  
continuously measuring the respective power ratios of said plurality of users.
7. (original) The method of claim 1 wherein the step of determining is performed by evaluating an equation of the following form:

$$(N - m) = \underset{m}{\operatorname{argmin}} \left( P_B(N - m) + \left( \sum_{i=1}^m P_i \right) \right)$$

where  $N$  is the plurality of users in a given area,  $N-m$  is the first subset of the plurality of users,  $m$  is the second subset of the plurality of users,  $P_B(k)$  is a reliable MBMS broadcast service power level to user  $k$ , and  $P_i$  is the required power to support user  $i$  using a dedicated channel.

8. (Currently amended) A computer readable medium ~~containing a program having~~  
stored thereon a program which, when executed, performs a method ~~an operation of~~  
multicasting a message to a plurality of users comprising:  
establishing a power ratio threshold adapted to enable reliable transmission of  
said message;  
comparing the established power ratio threshold to measured power ratios  
associated with said plurality of users;  
determining a first subset of the plurality of users and a second subset of the  
plurality of users based upon the measured power ratios; ~~and~~  
delivering said message to the first subset of the plurality of users via a first  
transmission scheme; ~~and~~  
delivering said message to the second subset of the plurality of users via a second  
transmission scheme.

9. (~~cancelled~~)
10. (Currently amended) The method ~~computer readable medium~~ of claim 8, wherein:

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said first transmission scheme delivering said message to said first user subset is via a broadcast channel.

11. (Currently amended) The method ~~computer-readable medium~~ of claim 9, wherein: said second transmission scheme delivering said message to said second user subset is via respective dedicated channels.

12. (Currently amended) The method ~~computer-readable medium~~ of claim 8, further comprising:  
 periodically measuring the respective power ratios of said plurality of users.

13. (Currently amended) The method ~~computer-readable medium~~ of claim 8 further comprising:  
 continuously measuring the respective power ratios of said plurality of users.

14. (Currently amended) The method ~~computer-readable medium~~ of claim 8 wherein the step of determining is performed by evaluating an equation of the following form:

$$(N - m) = \underset{m}{\operatorname{argmin}} \left( P_B(N - m) + \left( \sum_{i=1}^m P_i \right) \right)$$

where  $N$  is the plurality of users in a given area,  $N-m$  is the first subset of the plurality of users,  $m$  is the second subset of the plurality of users,  $P_B(k)$  is a reliable MBMS broadcast service power level to user  $k$ , and  $P_i$  is the required power to support user  $i$  using a dedicated channel.

15. (previously presented) Apparatus for multicasting messages to a plurality of users, comprising:

an intermediate multicasting module (IMM) adapted for receiving said messages and collecting information indicative of power transmission requirements, said IMM transmitting said messages via two different transmission schemes to two subsets of the plurality of users according to the power transmission requirement information.

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16. (original) The apparatus of claim 15 wherein the intermediate multicasting module further comprises a node-B element and a radio network controller.
17. (original) The apparatus of claim 16 wherein the node-B element collects the information indicative of power transmission requirements.
18. (original) The apparatus of claim 15 wherein the information indicative of power transmission requirements is a ratio measure of a pilot power signal broadcast from a source to one of said plurality of users to received power plus noise density of the pilot power signal received by said one of said plurality of users.
19. (original) The apparatus of claim 15 wherein said two different transmission schemes are broadcasting to a first subset of said plurality of users and unicasting to a second subset of said plurality of users.
20. (original) The apparatus of claim 19 wherein the number of the first subset of users is determined by the equation:

$$(N - m) = \arg \min_m \left( P_B(N - m) + \left( \sum_{i=1}^m P_i \right) \right)$$

where  $N$  is the plurality of users in a given area,  $N-m$  is the first subset of the plurality of users,  $m$  is the second subset of the plurality of users,  $P_B(k)$  is a reliable MBMS broadcast service power level to user  $k$ , and  $P_i$  is the required power to support user  $i$  using a dedicated channel.

21. (previously presented) The method of claim 1, wherein the first subset of users has power requirements different from the second subset of users.

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